NOTICE: This opinion is subject to formal revision before publication in the Board volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

William G. Knowles Construction Co. and Jimmie Cregar and Gary Firle and Eugene Hollars. Cases 25-CA-22249-2, -3, and -4

January 31, 1995

SUPPLEMENTAL DECISION AND ORDER

By Members Stephens, Cohen, and Truesdale

On August 24, 1993, the National Labor Relations Board issued an unpublished order adopting, in the absence of any exceptions, the administrative law judge's decision ordering the Respondent, William G. Knowles Construction Co., to make whole certain of its unit employees for loss of earnings and other benefits resulting from the Respondent's unfair labor practices in violation of Section 8(a)(1) and (3) of the National Labor Relations Act. On January 25, 1994, the United States Court of Appeals for the Seventh Circuit entered a judgment enforcing the Board's Order.

A controversy having arisen over the amount of backpay due discriminatees, on April 29, 1994, the Regional Director for Region 25 issued a compliance specification and notice of hearing alleging the amounts due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated July 26, 1994, counsel for the General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by August 2, 1994, summary judgment would be sought. The Respondent filed no answer.

On January 9, 1995, the General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On January 12, 1994, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment.

Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent of the amounts to the discriminatees, plus interest accrued on the amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, William G. Knowles Construction Co., Chester, Illinois, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest and minus tax withholdings required by Federal and state laws:

Jimmie Cregar	\$ 4,707
Gary Firle	5,644
Eugene Hollars	4,707

Dated, Washington, D.C. January 31, 1995

James M. Stephens,	Member
Charles I. Cohen,	Member
John C. Truesdale,	Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

¹Although styled a Motion for "Partial" Summary Judgment, the General Counsel moves that the Board find *all* allegations in the compliance specification to be true and issue an order requiring the Respondent to pay the amounts set forth therein.